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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,897	06/24/2003	Kurt Haggstrom	20518/44	2190

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EXAMINER

STIGELL, THEODORE J

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,897

Applicant(s)

HAGGSTROM, KURT

Examiner

Theodore J. Stigell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 8/6/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/11/03, 12/20/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

On further review, the Examiner accepts the designation of the species as proposed by the Applicant. The Examiner included Figures 19-21 in the elected species 12. The Examiner accepts the argument that all claims correspond to the elected species.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Twardowski et al. (5,569,182).

Twardowski et al. clearly discloses a catheter that includes all the limitations as recited in claim 1. See Figures 6 and the respective portions of the specification. Twardowski discloses a catheter having an elongated body, a first lumen (14), a second lumen (16), and a septum (34b) separating the two lumens. The tubular body has first wall (30b) that defines the first lumen and a second wall (32b) that defines the second lumen. The septum (34b) extends beyond both lumens. The first wall (30b) includes a first wall extension, defined as the distal end of the first wall (30b), which extends in a spiral configuration from the first lumen (14) and is spaced away from the septum (34b).

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The first wall extension can be seen as having a spiral configuration because the extension winds around the center of the catheter.

In regards to claim 2, Twardowski et al. clearly discloses a catheter that includes all of the limitations as recited in claim 1 wherein the second wall (32b) includes a second wall extension, defined as the distal end of the second wall (32b), which extends in a spiral configuration from the second lumen (16) and is spaced away from the septum (34b).

In regards to claim 3, Twardowski et al. clearly discloses a catheter that includes all of the limitations as recited in claim 1 wherein the first wall extension includes a planar end surface defined as the edge of the first wall (30b).

In regards to claim 4, Twardowski et al. clearly discloses a catheter that includes all of the limitations as recited in claim 2 wherein the second wall extension includes a planar end surface defined as the edge of the second wall (32b).

In regards to claim 5, Twardowski et al. clearly discloses a catheter that includes all of the limitations as recited in claim 2 wherein the first wall extension defines a first cavity in the first lumen (14) and the second wall extension defines a second cavity in the second lumen (16). The first and second cavities are defined as the distal end of the lumens.

In regards to claim 6, Twardowski et al. clearly discloses a catheter that includes all of the limitations as recited in claim 2 wherein the first wall extension and the second wall extension are symmetrically disposed about the portion of the septum (34b).

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In regards to claim 7, Twardowski et al. clearly discloses a catheter that includes all of the limitations as recited in claim 5 wherein the first wall extension includes a base, defined as the lower half of the first wall extension that meets the septum (34b). The base defines an inlet opening and is disposed proximal to the fluid flow being expelled from the second cavity.

In regards to claims 8, Twardowski et al. discloses a catheter that includes all of the limitations. Twardowski et al. discloses a catheter having an elongated body, a septum (34b), a first wall (30b) defining first lumen (14), and a second wall (32b) defining a second lumen (16). The septum (34b) extends distally past the first and second lumen. The first wall (30b) has a first wall extension (defined above) that extends beyond the first lumen (14) and has a spiral configuration and a concave surface facing the septum (34b). The second wall (32b) has a second wall extension (defined above) that extends beyond the second lumen (16) and has a spiral configuration and a concave surface facing the septum (34b).

In regards to claim 9, Twardowski et al. discloses a catheter that includes all of the limitations as recited in claim 8 wherein the first wall extension and the second wall extension each have a planar end surface (defined above) that form a boundary about the concave surfaces and define the spiral configuration.

In regards to claim 10, Twardowski et al discloses a catheter that includes all of the limitations as recited in claim 8 wherein the concave surfaces define symmetrical first and second cavities. The first and second cavities are defined above.

In regards to claim 11, Twardowski et al. discloses a catheter that includes all of the limitations as recited in claim 10 wherein the first wall extension includes a base (defined above) that defines an inlet opening and is proximal to the fluid expelled from the second cavity. The second wall extension includes a base, defined as the lower half of the second wall extension that meets the septum (34b) that defines an inlet and is disposed proximally from the fluid expelled from the first cavity.

In regards to claim 12, Twardowski et al. discloses a catheter that includes all of the limitations as recited in claim 8 wherein the first and second wall extensions are symmetrically disposed about the septum (34b).

In regards to claim 13, Twardowski et al. clearly discloses a catheter that includes all of the limitations. Twardowski et al. discloses a catheter having an elongated body, a septum (34b) separating first and second lumens (14) and (16), and a first wall (30b) and a second wall (32b). The first and second lumens are proximal to the first and second cavities that are disposed at the distal end of the catheter. The septum (34b) extends distally beyond the first and second lumens. The first wall includes a first wall extension (defined above) that extends beyond the first lumen in a spiral configuration and the second wall includes a second wall extension (defined above) that extends beyond the second lumen in a spiral configuration. The first and second wall extensions each define a cavity (defined above) and the first wall extension includes a base (defined above) that defines an inlet is disposed proximal to the fluid flow expelled from the second cavity.

In regards to claim 14, Twardowski et al. discloses a catheter that includes all of the limitations as recited in claim 13 wherein the second wall extension includes a base (defined above) that defines an inlet and is proximally disposed from the fluid expelled from the first cavity.

In regards to claims 15 and 16, Twardowski et al. discloses a catheter that includes all of the limitations as recited in claim 13 wherein the bases of the wall extensions are arcuate.

In regards to claims 17, Twardowski et al. discloses a catheter that includes all of the limitations as recited in claim 13 wherein the first and second cavities are symmetrical.

In regards to claims 18 and 19, Twardowski et al. discloses a catheter that includes all of the limitations as recited in claim 13 wherein the first and second wall extensions define a concave surface that faces the septum extension.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4385631 A to Uthmann
US 4583968 A to Mahurkar
US 5057073 A to Martin
US 5318518 A to Plechinger
US 5374245 A to Mahurkar
US 5451216 A to Quinn
US 5522807 A to Luther
US 5571093 A to Cruz
US 5685867 A to Twardowski
US 5785678 A to Griep
US 5961486 A to Twardowski
US 6409700 B1 to Siegel, Jr et al.

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US 6428502 B1 to Lang
US 6461321 B1 to Quinn
US 6517529 B1 to Quinn
US 6540714 B1 to Quinn
US 6702776 B2 to Quinn
US 6786884 B1 to DeCant, Jr et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS


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